

HP Docket No. 10011462-1

REMARKS

Applicants appreciate the Office's review of the present application. In response to the Office Action, the cited references have been reviewed, and the rejections and objections made to the claims by the Examiner have been considered. The claims presently on file in the present application are believed to be patentably distinguishable over the cited references, and therefore allowance of these claims is earnestly solicited.

In order to render the claims more clear and definite, and to emphasize the patentable novelty thereof, claims 1-2, 6, 9, 14-15, 20, 22-23, 25, 27, 30-32 have been amended, claims 8 and 10 have been cancelled without prejudice, and new claims 33-36 have been added. Support for any claim amendments and new claims is found in the specification, claims, and drawings as originally filed, and no new matter has been added. Accordingly, all claims presently on file in the subject application are in condition for immediate allowance, and such action is respectfully requested.

Rejections**Rejection Under 35USC §102**

Claims 1-2, 6-7, 9, 13-16, 20-23, 25-27, and 30-32 have been rejected under 35 USC §102(c), as being anticipated by U.S. patent application publication 2002/0163665 to Iwata et al. ("Iwata"). Applicants respectfully traverse the rejection and request reconsideration based on the amendment to the claims and features in the claims which are neither disclosed nor suggested in the cited reference.

As to a rejection under §102, "[a]nticipation is established only when a single prior art reference discloses expressly or under the principles of inherence, each and every element of the claimed invention." RCA Corp. v. Applied Digital Data Systems, Inc., (1984, CAFC) 221 U.S.P.Q. 385. The standard for lack of novelty, that is for "anticipation," is one of strict identity.

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To anticipate a claim, a patent or a single prior art reference must contain all of the essential elements of the particular claims. Schroeder v. Owens-Corning Fiberglass Corp., 514 F.2d 901, 185 U.S.P.Q. 723 (9th Cir. 1975); and Cool-Fin Elecs. Corp. v. International Elec. Research Corp., 491 F.2d 660, 180 U.S.P.Q. 481 (9th Cir. 1974). The identical invention must be shown in as complete detail as is contained in the claim. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPO2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. In re Bond, 910 F.2d 831, 15 USPO2d 1566 (Fed. Cir. 1990).

The rejection of independent claim 1, and its dependent claims 2, 6-7, and 32, is respectfully traversed at least because the single cited reference does not disclose all of the essential elements of the claims arranged as required by the claims and in as complete detail as in the claims. In this regard, claim 1 recites:

“1. (Currently amended) A method of determining information regarding at least one physical printer available to receive a print job from a client computer, comprising:
calling a general printer driver directly from an application executed by the client computer;
transmitting a query from the client computer to a server via a network for an identification of the at least one available physical printer;
receiving the identification of the at least one available physical printer from the server;
selecting a single one of the identified physical printers to receive the print job;
after the selecting, downloading from the server a file used to convert print data into a format specific to the selected physical printer; and
wherein the general printer driver is accessible as a destination printer in a print menu, and wherein the general printer driver is configured to launch a printing agent to initiate the transmitting when the general printer driver is selected as the destination printer.” (emphasis added)

Applicant respectfully believes that this rejection is inadequate to establish a prima facie case of anticipation because the single cited reference does not disclose all of the essential elements of the claims arranged as required by the claims and in as complete detail as in the claims.

In the rejection, the Office identifies the virtual printer driver 110 of the Iwata reference

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to be the general printer driver recited in claim 1 to (Office Action, p.3). The Office further states that "Figs. 16 item S500 and P[315] discloses that the distributed printing utility does convert data to a specific format for a printer", and thus identifies the distributed printing utility 120 of the Iwata reference to be the file downloaded from the server recited in claim 1 (Office Action, p.4).

Claim 1, as amended, recites that the file used to convert print data into a format specific to a selected physical printer (i.e. the distributed printing utility 120) is downloaded from the server after one of the identified physical printers has been selected. Such operation, however, is the opposite of what is disclosed by the Iwata reference, in that the distributed printing utility 120 is used to select the identified physical printer(s) to receive the print job. For example, the Iwata reference teaches:

"[0138] The available printers as the destinations of distribution are printers belonging to a specific printer group set by a properties setting module 113 among all the printers connected to the computer main body 16 locally or via the network. Here the printers 60, 70, and 80 are the available printers.

[0139] More specifically, a performance information input module 114 receives the performance information of the respective printers 60, 70, and 80, which has been transmitted from printer drivers 130, 140, and 150 (hereinafter referred to as real printer drivers) provided for the respective types of the printers 60, 70, and 80 to the distributed printing utility 120. A virtual printer performance specification module 115 selects the highest performance from the performance information of the respective printers 60, 70, and 80 and specifies the extracted performance as performance information of the virtual printer." (para. [0138],[0139]; emphasis added)

It is also evident from Fig. 3, items 114, 120, that the distributed printing utility provides the performance information to the virtual printer driver 110. However, it is not possible for the distributed printing utility 120 to provide the performance information about printers 60, 70, 80 until the distributed printing utility 120 has already been downloaded into, and is being executed by, the client computer. As such, the Iwata reference teaches that the downloading of the distributed printing utility 120 is performed before selecting the identified physical printer(s) to receive the print job, not after the selecting as required by claim 1.

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Furthermore, claim 1 as amended recites that a single one of the identified physical printers is selected to receive the print job. Conversely, the Iwata reference is directed to distributing the print job among multiple printers. "Output of the print data to multiple printers in a distributive manner desirably shortens the total time required for printing" (para. [0002]). "The present invention is directed to a first distributed printing control apparatus, which includes: a data allocation module that divides print data, which is an object to be printed, by page and specifies information representing pages allocated to multiple printers; and a data output control module that outputs the print data in a distributive manner to the multiple printers according to the information specified by the data allocation module" (para. [0016]).

The novel features of the present invention are not anticipated by the Iwata reference in that the above-discussed essential elements, arranged as required by the claim and recited in as complete detail as in the claim, are absent from the reference. Therefore, the rejection is improper at least for that reason and should be withdrawn.

Independent claims 9, 15, 23, and 31 (all currently amended) each recite limitations similar to those of claim 1, discussed above. Therefore, for similar reasons as explained heretofore with regard to claim 1, the novel features of the present invention are not anticipated by the Iwata reference in that at least one essential element, arranged as required by the claims and in as complete detail as in the claims, is absent from the reference. Therefore, the rejection of independent claims 9, 15, 23, and 31, and their corresponding dependent claims 11-14, 16, 18-22, and 24-27 is improper at least for this reason and should be withdrawn.

The rejection of independent claim 30 is respectfully traversed at least because the single cited reference does not disclose all of the essential elements of the claims arranged as required by the claims and in as complete detail as in the claims. In this regard, claim 30 recites:

"30. (Previously presented) A method of determining information regarding at least one printer available to receive a print job from a client computer, comprising:

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calling a general printer driver directly from an application executed by the client computer;
transmitting a query from the client computer to a server via a network for an identification of the at least one available printer;
receiving an identification of the at least one available printer from the server;
downloading a file from the server used to convert print data into a format specific to a selected one of the at least one available printer; and
wherein the general printer driver is accessible as a destination printer in a print menu, and wherein the application is configured to launch a printing agent to initiate the transmitting when the general printer driver is selected as the destination printer." (emphasis added)

Applicant respectfully believes that this rejection is inadequate to establish a prima facie case of anticipation because the single cited reference does not disclose all of the essential elements of the claims arranged as required by the claims and in as complete detail as in the claims.

The Office has rejected claim 30 on the same basis as claim 1. Claim 30, however, recites that "the application is configured to launch a printing agent to initiate the transmitting" of "a query from the client computer to a server via a network for an identification of the at least one available printer", whereas claim 1 recites instead that "the general printer driver is configured to launch a printing agent to initiate the transmitting" of the query. The general printer driver (i.e. virtual printer driver 110) is a different element from the application (i.e. application program 100). The Office cites no portion of the Iwata reference as disclosing that the printing agent is launched by the application instead of the general printer driver. With regard to the general printer driver configured to launch a printing agent, the Office cites the user interface of Fig. 35 of the Iwata reference. The user interface of Fig. 35 corresponds to user interface 116 of the virtual printer driver 110, not of the application program 100 (Fig. 3):

"[0154] The operator double clicks the icon IC4 'Distributed Printing' corresponding to the virtual printer driver 110 on the 'Printer' window WN1 to open a window of the virtual printer driver 110 and clicks 'Printer' and 'Properties' in the window. This series of operations opens a dialog box 'Distributed Printing Properties' for setting various pieces of information with regard to the virtual printer. The operator can input the settings of the various pieces of information in the dialog box 'Distributed Printing Properties' through the operations of the mouse 20 and the keyboard 18. This dialog box 'Distributed Printing Properties' corresponds to

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the user interface 116 mentioned previously." (para. [0154]; emphasis added).

The novel features of the present invention are not anticipated by the Iwata reference in that the above-discussed essential elements, arranged as required by the claim and recited in as complete detail as in the claim, are absent from the reference. Therefore, the rejection is improper at least for that reason and should be withdrawn.

Rejection Under 35 USC §103

Claims 3 and 17 have been rejected under 35 USC §103 (a), as being unpatentable over U.S. patent application publication 2002/0163665 to Iwata et al. ("Iwata") in view of Official Notice. Applicants respectfully traverse the rejection and request reconsideration at least based on the dependence of these claims on independent claim 1 and 15 respectively, whose reasons for allowability over the Iwata reference have been discussed heretofore. In addition, the stated motivation to modify the reference is improper in that it is merely a conclusory statement of generalized advantages that impermissibly uses the Applicants' disclosure as a blueprint or in hindsight for the rejection. Therefore, the rejection is improper at least for these reasons and should be withdrawn.

Claims 4-5, 11-12, 18-19, and 24 have been rejected under 35 USC §103 (a), as being unpatentable over U.S. patent application publication 2002/0163665 to Iwata et al. ("Iwata") in view of U.S. patent 5,580,177 to Gase et al. ("Gase"). Applicants respectfully traverse the rejection and request reconsideration at least based on the dependence of these claims on one of independent claims 1, 9, 15, and 23, whose reasons for allowability over the Iwata reference have been discussed heretofore and against which the Gase reference has not been cited. In addition, the stated motivation to combine the references is improper in that it is merely a conclusory statement of generalized advantages that impermissibly uses the Applicants' disclosure as a blueprint or in hindsight for the rejection. Therefore, the rejection is improper at least for these reasons and should be withdrawn.

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Conclusion

Attorney for Applicant(s) has reviewed each one of the cited references made of record and not relied upon, and believes that the claims presently on file in the subject application patentably distinguish thereover, either taken alone or in combination with one another.

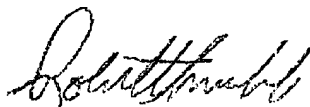
Therefore, all claims presently on file in the subject application are in condition for immediate allowance, and such action is respectfully requested. If it is felt for any reason that direct communication with Applicant's attorney would serve to advance prosecution of this case to finality, the Examiner is invited to call the undersigned Robert C. Sismilich, Esq. at the below-listed telephone number.

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Respectfully submitted,



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